

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

FREDDIE BROWN, #37547

PETITIONER

v.

CIVIL NO. 1:13-cv-214-HSO-RHW

TIMOTHY OUTLAW, Warden

RESPONDENT

**ORDER ADOPTING REPORT AND RECOMMENDATIONS, GRANTING
RESPONDENT'S MOTION TO DISMISS, AND DENYING PETITION
FOR WRIT OF HABEAS CORPUS AS TIME BARRED**

This matter is before the Court on the Report and Recommendations [17] of United States Magistrate Judge Robert H. Walker entered in this cause on November 5, 2013. The Magistrate Judge recommended that Respondent Timothy Outlaw's Motion [14] to Dismiss be granted and Petitioner Freddie Brown's 28 U.S.C. § 2254 Petition [1] for Writ of Habeas Corpus be denied as time barred. Rep. and Rec. [17] at p. 4. The Clerk of Court mailed the Report and Recommendations to Petitioner via certified mail at his address of record at the Marshall County Correctional Facility in Holly Springs, Mississippi. Petitioner received the Report and Recommendations on November 8, 2013. Acknowledgment of Receipt [18]. The Report and Recommendations advised Petitioner that he had fourteen days from the date he received the Report and Recommendations to serve and file written objections. Rep. and Rec. [17] at pp. 6-7. Petitioner requested and received two extensions of time to file written objections. His objections were ultimately due on January 23, 2014, but to date, Petitioner has not filed any objections.

Where a party fails to file specific objections to a magistrate's proposed findings of fact and recommendation, the district court reviews the proposed findings of fact

and recommendations for findings and conclusions that are clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1); *see United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

The Court finds that the Magistrate Judge properly recommended that the Petition [1] be dismissed as time barred. After referral of hearing by this Court, no objections having been filed as to the Report and Recommendations, and the Court, having fully reviewed the same as well as the record and relevant law in this matter, finds that the Report and Recommendations [17] is neither clearly erroneous nor contrary to law and should be adopted in its entirety as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendations [17] of United States Magistrate Judge Robert H. Walker is adopted in its entirety as the opinion of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that the Motion [14] to Dismiss filed by Respondent Timothy Outlaw is **GRANTED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that the 28 U.S.C. § 2254 Petition for Writ of Habeas Corpus [1] filed by Petitioner Freddie Brown pursuant is **DENIED**, and this action is **DISMISSED WITH PREJUDICE**. A separate judgment will be entered in accordance with this Order as required by FED. R. CIV. P. 58.

SO ORDERED AND ADJUDGED, this the 31st day of January, 2014.

s/ Halil Suleyman Ozerdem
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE